

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CAMDEN NATIONAL BANK,)	
)	
Plaintiff,)	
)	
v.)	Case 2:09-CV-00199-DBH
)	
WALTER J. SKAYHAN, III, and)	
STEPHEN A. GEPPI,)	
)	
Defendants.)	

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS WALTER J.
SKAYHAN, III AND STEPHEN A. GEPPI**

NOW COME Defendants, Walter J. Skayhan, III and Stephen A. Geppi (together, “Defendants”), by and through their counsel undersigned, and pursuant to Federal Rules of Civil Procedure 8 and 12, hereby answer and assert their affirmative defenses to Plaintiff Camden National Bank’s (“Plaintiff”) May 20, 2009 Complaint (the “Complaint”), as follows:

I. Answer

PARTIES

1. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 1 of Plaintiff’s Complaint and, therefore, deny the same.
2. Defendants deny the allegations contained in ¶ 2 of Plaintiff’s Complaint.
3. Defendants admit the allegations contained in ¶ 3 of Plaintiff’s Complaint.

JURISDICTION AND VENUE

4. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 4 of Plaintiff’s Complaint and, therefore, deny the same.

General Allegations

5. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 5 of Plaintiff's Complaint and, therefore, deny the same. Answering further, Defendants state that the Note (as defined in the Complaint) speaks for itself.

6. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 6 of Plaintiff's Complaint and, therefore, deny the same. Answering further, Defendants state that the Guaranties (as defined in the Complaint) speak for themselves.

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 7 of Plaintiff's Complaint and, therefore, deny the same.

8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 8 of Plaintiff's Complaint and, therefore, deny the same.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 9 of Plaintiff's Complaint and, therefore, deny the same.

10. Defendants deny the allegations contained in ¶ 10 of Plaintiff's Complaint.

COUNT I
(Skayhan Guaranty)

11. Defendant Skayhan repeats and reallages each and every allegation set forth in ¶¶ 1-10 above as if fully set forth herein.

12. Defendant Skayhan lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 12 of Plaintiff's Complaint and, therefore, denies the same.

13. Defendant Skayhan lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 13 of Plaintiff's Complaint and, therefore, denies the same. Answering further, Defendant Skayhan states that the Skayhan Guaranty speaks for itself.

14. Defendant Skayhan lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 14 of Plaintiff's Complaint and, therefore, denies the same.

15. Defendant Skayhan denies the allegations contained in ¶ 15 of Plaintiff's Complaint.

16. Defendant Skayhan denies the allegations contained in ¶ 16 of Plaintiff's Complaint.

WHEREFORE, Defendant, Walter J. Skayhan, respectfully requests that this Court dismiss Plaintiff's Complaint, with prejudice and in its entirety, and grant Defendant Skayhan such other and further relief as is just and equitable under the circumstances, together with his costs in defending this action.

COUNT II
(Geppi Guaranty)

17. Defendant Geppi repeats and reallages each and every allegation set forth in ¶¶ 1-16 above as if fully set forth herein.

18. Defendant Geppi lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 18 of Plaintiff's Complaint and, therefore, denies the same.

19. Defendant Geppi lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 19 of Plaintiff's Complaint and, therefore, denies the same. Answering further, Defendant Geppi states that the Geppi Guaranty speaks for itself.

20. Defendant Geppi lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 20 of Plaintiff's Complaint and, therefore, denies the same.

21. Defendant Geppi denies the allegations contained in ¶ 21 of Plaintiff's Complaint.

22. Defendant Geppi denies the allegations contained in ¶ 22 of Plaintiff's Complaint.

WHEREFORE, Defendant, Stephen A. Geppi, respectfully requests that this Court dismiss Plaintiff's Complaint, with prejudice and in its entirety, and grant Defendant Geppi such other and further relief as is just and equitable under the circumstances, together with his costs in defending this action.

II. Affirmative Defenses

1. Plaintiff's Complaint is barred, in whole or in part, for failure to state claims upon which relief can be granted.

2. Plaintiff's Complaint is barred, in whole or in part, on the ground of laches.

3. Plaintiff's Complaint is barred, in whole or in part, on the ground of estoppel.

4. Plaintiff's Complaint is barred, in whole or in part, on the ground of waiver.

5. Plaintiff's Complaint is barred, in whole or in part, on the ground of accord and satisfaction.

6. Plaintiff's Complaint is barred, in whole or in part, on the ground of failure of consideration.

WHEREFORE, Defendants, Walter J. Skayhan, III and Stephen A. Geppi, respectfully request that this Court dismiss Plaintiff's Complaint, with prejudice and in its entirety, and grant Defendants such other and further relief as is just and equitable under the circumstances, together with their costs in defending this action.

Dated at Portland, Maine this 10th day of September, 2009.

/s/ Randy J. Creswell

Randy J. Creswell, Esq.

Counsel for Defendants,

Walter J. Skayhan, III and Stephen A. Geppi

Perkins Thompson, P.A.
One Canal Plaza, PO Box 426
Portland, ME 04112-0426
(207) 774-2635
rcreswell@perkinsthompson.com

CERTIFICATE OF SERVICE FOR ELECTRONIC FILING

I hereby certify that on September 10, 2009, I caused a copy of the foregoing Answer and Affirmative Defenses of Defendants, Walter J. Skayhan, III and Stephen A. Geppi, and this Certificate of Service for Electronic Filing, to be filed electronically with the Clerk of the Court using the CM/ECF system, which will cause an electronic notice to be sent to all counsel of record.

All other parties listed on this Certificate of Service of Electronic Filing have been served via U.S. Mail.

Dated at Portland, Maine this 10th day of September, 2009.

/s/ Randy J. Creswell
Randy J. Creswell, Esq.
Counsel for Defendants,
Walter J. Skayhan, III and Stephen A. Geppi

Perkins Thompson, P.A.
One Canal Plaza, PO Box 426
Portland, ME 04112-0426
(207) 774-2635
rcreswell@perkinsthompson.com

Service List

Jeffrey M. Kotz, Esq.
Kandel, Klitenic, Kotz & Betten, LLP
502 Washington Avenue
Nottingham Centre, Suite 610
Towson, MD 21204

C. Kevin Kobbe, Esq.
DLA Piper LLP
The Marbury Building
6225 Smith Avenue
Baltimore, MD 21209-3600